

### **Claim Amendments**

1. (Original) A shoe having a shoe sole including an outsole, a midsole, an insole and having a front area over which the toes of a foot rest when the shoe is worn, the improvement comprising:
  - a. a non-leaking deformable gel formed within the front area of the sole and aligned with the insole so that the gel is located beneath the toes of the foot when the shoe is worn, so that all five toes rest on the gel and the base of the big toe right below the 1st metatarso-phalangeal joint also rests on the gel;
  - b. whereby the non-leaking deformable gel permits the toes to curl, flex, bend or grasp downward when a wearer of the shoe is walking.
2. (Original) The invention in accordance with Claim 1, wherein said gel is covered with a stretch material.
3. (Original) The invention in accordance with Claim 1, wherein said gel is treated with a fungicide.
4. (Original) A shoe having a shoe sole including an outsole, a midsole, an insole and having a front area over which the toes of a foot rest when the shoe is worn, the improvement comprising:
  - a. a deformable padding formed within the front area of the sole and aligned with the insole so that the deformable padding is located beneath the toes of the foot when the shoe is worn, so that all five toes rest on the deformable padding and the base of the big toe rests right below the 1<sup>st</sup> metatarso-phalangeal joint and also rests on the deformable padding; and
  - b. the deformable padding is selected from the group consisting of a deformable liquid gel pack, a deformable liquid, a gel pack encased in a stretch Lycra®

fabric, silicone, foam, memory foam, soft memory type flexible material, soft rubber, soft synthetic plastic, polyurethane gel, neoprene, polyvinyl, polyethylene or polyurethane;

- c. whereby, the deformable padding permits the toes to curl, flex, bend or grasp downward when a wearer of the shoe is walking.

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5. (Original) The invention in accordance with Claim 4, wherein said deformable padding is at least 6mm in depth.
6. (Original) The invention in accordance with Claim 4, wherein said deformable padding is also aligned with a portion of the midsole in addition to being aligned with the insole.
7. (Original) The invention in accordance with Claim 4, further comprising a cavity formed into the front portion of the shoe to receive the deformable padding.
8. (Original) The invention in accordance with Claim 4, wherein said deformable padding is covered with a stretch material.
9. (Original) The invention in accordance with Claim 4, wherein said deformable padding is treated with a fungicide.
10. (Original) A foot wearing item to be worn on a foot, the foot wearing item including an insole against which the foot rests and having a front area over which the toes of the foot rest when the foot wearing item is worn, the improvement comprising:
  - a. a flexible and deformable material formed within the front area of the foot wearing item and aligned with the insole so that the flexible material is located beneath the toes of the foot when the foot wearing item is worn so that all five toes rest on the flexible material and the base of the big toe right below the 1st

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metatarso-phalangeal joint also rests on the flexible material;

- b. whereby the flexible material permits the toes to curl downward when a wearer of the wearing apparel is walking.

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11. (Currently Amended) The invention in accordance with Claim 10, wherein the flexible material is selected from the group ~~comprising~~ consisting of non-leaking semi-solid gel filled padding, silicone, foam, memory foam, soft rubber, soft synthetic plastic, a gel pack encased in a stretch Lycra® fabric, polyurethane gel, neoprene, polyvinyl, polyethylene or polyurethane.

12. (Currently Amended) The invention in accordance with Claim 10, wherein the foot wearing item is selected from the group ~~comprising~~ consisting of shoes, sandals, flip-flops or athletic shoes.

13. (Original) The invention in accordance with Claim 10, wherein said flexible and deformable material is covered with a covering material.

14. (Original) The invention in accordance with Claim 10, wherein said flexible and deformable material is treated with a fungicide.

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32. (Original) A shoe having a shoe sole including an outsole, a midsole, an insole and having a front area over which the toes of a foot rest when the shoe is worn, the improvement comprising:

- c. a non-leaking deformable gel formed within the front area of the sole and aligned with the insole so that the gel is located beneath the toes of the foot when the shoe is worn, so that all five toes rest on the gel;

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d. whereby the non-leaking deformable gel permits the toes to curl, flex, bend or grasp downward when a wearer of the shoe is walking.

33. (Original) The invention in accordance with Claim 32, wherein said gel is covered with a stretch material.

34. (Original) The invention in accordance with Claim 32, wherein said gel is treated with a fungicide.

35. (Original) A shoe having a shoe sole including an outsole, a midsole, an insole and having a front area over which the toes of a foot rest when the shoe is worn, the improvement comprising:

- 5           a. a deformable padding formed within the front area of the sole and aligned with the insole so that the deformable padding is located beneath the toes of the foot when the shoe is worn, so that all five toes rest on the deformable padding; and
- 10           b. the deformable padding is selected from the group consisting of a deformable liquid gel pack, a deformable liquid, a gel pack encased in a stretch Lycra® fabric, silicone, foam, memory foam, soft memory type flexible material, soft rubber, soft synthetic plastic, polyurethane gel, neoprene, polyvinyl, polyethylene or polyurethane;
- c. whereby, the deformable padding permits the toes to curl, flex, bend or grasp downward when a wearer of the shoe is walking.

36. (Original) The invention in accordance with Claim 35, wherein said deformable padding is at least 6mm in depth.

37. (Original) The invention in accordance with Claim 35, wherein said deformable padding is also aligned with a portion of the midsole in addition to being aligned with the insole.

38. (Original) The invention in accordance with Claim 35, further comprising a cavity formed into the front portion of the shoe to receive the deformable padding.
39. (Original) The invention in accordance with Claim 35, wherein said deformable padding is covered with a stretch material.
40. (Original) The invention in accordance with Claim 35, wherein said deformable padding is treated with a fungicide.
41. (Original) A foot wearing item to be worn on a foot, the foot wearing item including an insole against which the foot rests and having a front area over which the toes of the foot rest when the foot wearing item is worn, the improvement comprising:
- a. a flexible and deformable material formed within the front area of the foot wearing item and aligned with the insole so that the flexible material is located beneath the toes of the foot when the foot wearing item is worn so that all five toes rest on the flexible material;
  - b. whereby the flexible material permits the toes to curl downward when a wearer of the wearing apparel is walking.
42. (Currently Amended) The invention in accordance with Claim 41, wherein the flexible material is selected from the group ~~comprising~~ consisting of non-leaking semi-solid gel filled padding, silicone, foam, memory foam, soft rubber, soft synthetic plastic, a gel pack encased in a stretch Lycra® fabric, polyurethane gel, neoprene, polyvinyl, polyethylene or polyurethane.
43. (Currently Amended) The invention in accordance with Claim 41, wherein the foot wearing item is selected from the group ~~comprising~~ consisting of shoes, sandals, flip-flops or athletic shoes.

44. (Original) The invention in accordance with Claim 41, wherein said flexible and deformable material is covered with a covering material.

45. (Original) The invention in accordance with Claim 41, wherein said flexible and deformable material is treated with a fungicide.

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